



Colorado Department
of Public Health
and Environment

Division of Environmental Health and Sustainability

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Can I Sell My Cottage Foods to Restaurants?

Cottage food operators are not allowed to sell their cottage food products to local restaurants or grocery stores. These types of sales are considered “wholesale” and are not allowed under the law.

Cottage food operators must sell their cottage food products directly to the consumer.

Colorado Cottage Food Act becomes law

In 2012, the Colorado Legislature enacted Senate Bill 12-048 allowing individuals to produce, sell and store certain types of “cottage food” products in an unlicensed home kitchen. A copy of the bill can be found at

<http://www.cdphe.state.co.us/cp/index.html>

Cottage food products include such items as spices, teas, dehydrated produce, nuts, seeds, honey, candies, jams, jellies and certain baked goods.

Cottage food operations require no license or permit from the Colorado Department of Public Health and Environment and are not inspected by any state or local government entity.

Net sales for each product produced by a cottage food operation must not exceed \$5,000 annually. Products must be sold directly by the cottage food

operator to the end consumer. Sales by consignment or to retail food or wholesale food establishments are prohibited. Cottage food products must be labeled in accordance with the requirements as outlined in Section 25-4-

1614, C.R.S.



Cottage food complaints: know the rules!

The Colorado Department of Public Health and Environment may investigate any complaint received concerning cottage food operations.

If your cottage food operation is the subject of a complaint, you must allow a state or local public health employee in your cottage food operation to conduct an inspection.

The employee will inspect your cottage food operation to determine compliance with applicable laws, rules and regulations.

If, as a cottage food producer, you produce foods that are not allowed by the provision of the *Colorado Cottage Foods Act*, a local public health agency has the authority to em-

bargo and/or condemn the product in question. Since the production of foods not allowed under the *Colorado Cottage Foods Act* would require a license and a commercial facility, a local public health agency may use the enforcement provisions of the *Food Protection Act* to obtain compliance.

What types of Cottage Foods can I produce?

As a cottage food operator, you are allowed to produce certain food items which are considered nonpotentially hazardous.

The table (at right) provides a listing of acceptable cottage food products.



If you have any questions regarding the production of a particular cottage food product please contact your local public health agency or the Division of Environmental Health and Sustainability at 303- 692-3645. A listing of local public health agencies by county can be found at:

<http://www.cdphe.state.co.us/opp/locallist.html>



Nonpotentially Hazardous Foods

Spices

Teas

Dehydrated Produce

Nuts

Seeds

Honey

Jams, Jellies and Preserves

Fruit Butter

Candies

Certain Baked Goods

Examples of What Cottage Foods are Not Allowed

Fresh or dried meat or meat products including jerky

Canned fruits, vegetables, flavored oils, salsas, etc.

Fish and shellfish products

Canned pickled products (corn relish and pickles)

Raw seed sprouts

Baked goods such as cream, custard or meringue pies and cakes or pastries with cream cheese icing or fillings

Milk and dairy products including hard or soft cheeses and yogurt

Cut fresh fruits and vegetables or juices made from fresh fruits or vegetables

Ice and ice products

Barbecue sauces, ketchups or mustards

Focaccia-style breads with vegetables or cheeses



Frequently Asked Questions

Question: How do I sell my cottage food products?

Answer: You may sell your products directly to the consumer from your residence, roadside stand, farmers' market, community supported agriculture organization, or other similar venue.

Question: Am I able to deliver my cottage food products?

Answer: Yes, you may deliver your cottage food products directly to the consumer.

Question: Do I need a permit or license for my cottage food operation?

Answer: No, you do not need a state permit or license for your cottage food operation. However, you should check with your city or county for any other requirements or recommendations they may have.

Question: Is there any limit to how much I can earn from my cottage food operation?

Answer: Yes, cottage food operators are limited to \$5,000 in net sales per product each year. It is the operator's responsibility to comply with applicable laws, rules and regulations regarding the collection of sales tax.

Labeling Requirements for Cottage Foods

The cottage food law requires specific labeling requirements for the sale of cottage food products.

A cottage food operation may only sell cottage food products which are offered with a label containing the following information (printed in English):

- ◆ The identification of the cottage food product;
- ◆ The producer's name and the address at which

the cottage food was produced;

- ◆ The producer's current phone number and email address;
- ◆ The date on which the food was produced;
- ◆ A complete list of ingredients; and
- ◆ The following statement: "This product was produced in a home kitchen that is not subject to state licensure or inspection and

that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish and crustacean shellfish. This product is not intended for resale."

A sample is shown below



and may assist with developing your cottage food product label.



Can I Make Salsas or Barbecue Sauce?

Processing of low-acid foods by retort canning or processing of acidified foods is not allowed by a cottage food operator.

These types of products must be commercially processed to ensure sterility under conditions of non-refrigerated storage and distribution.

Canning or processing acidified foods must be done in a state licensed or registered facility.

Chocolate Chip Cookie

Joe Baker

123 Safe Food Ave.

Anywhere, CO 80XXX

303-555-1234

jbbaker@cookie.com

Manufacture Date: March 15, 2012

Ingredients: Enriched flour (wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liqueur, cocoa butter, butterfat (milk), soy lecithin as an emulsifier), walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda.

DISCLAIMER: This product was produced in a home kitchen that is not subject to state licensure or inspection and that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish and crustacean shellfish. This product is not intended for resale.

Selling of Eggs at a Farmers' Market

Eggs sold directly from your own property, or from a Community Supported Agricultural Organization, are not subject to licensing or inspection. Eggs cannot be sold at a farmers' market without a retail food license. In order to sell

your eggs at a farmers' market, you must be recognized as an approved source. If you obtain a Small Egg Producer/Dealer license from the Colorado Department of Agriculture,

you would be recognized as an approved source. Additional licensing may be required by CDA and/or USDA depending on a producer's flock size or sell volume. See CDA's website below.

<http://www.colorado.gov/cs/Satellite/Agriculture-Main/CDAG/1167928196642>



Terms and Definitions

Home - Means a primary residence occupied by the producer producing the food allowed by the Colorado Cottage Foods Act.

Nonpotentially Hazardous - Means any food or beverage that, when stored under normal conditions without refrigeration, will not support the rapid and progressive growth of microorganisms that cause food infections or food intoxications. Does not include low-acid or acidified foods.

Producer - Means a person who is a resident of Colorado and who prepares non-potentially hazardous foods in a home kitchen or similar venue for sale directly to consumers.



Did you know?

Raw, uncut produce can be sold in Colorado without licensing or registration. The FDA's Good Agriculture Practices provide recommendations for safe practices to assure produce is safe for consumption.

<http://www.fda.gov/food/resourceforyou/consumers/ucm114299>

Cottage Food operations requires training

The Colorado Cottage Foods Act requires "producers to be certified in safe food handling and processing by a third-party certifying entity, comparable to and including the United States Department of Agriculture or the Colorado State University Cooperative Extension Service, and must maintain a status of good standing in accordance with the certifying entity practices and procedures, including attending any classes required for certification." Safe food handling courses should include topics on safe food sources, personal hygiene, sanitation of equipment, worker illness, food temperature control, safe water, sewage disposal, pest control, proper hand washing, and control of toxics. Safe food handling courses that meet this training requirement include:

ServSafe® Food Protection Manager Certification— a comprehensive food safety training offered by Colorado State University Extension. <http://www.ext.colostate.edu/safefood/safetyworks/servsafe.pdf>.

Contact your local public health agency, who may offer this training.

ServSafe® online certification from the National Restaurant Association Educational Foundation at <http://www.servsafe.com/home>.

National Environmental Health Association's Certified Professional Food Manager — details can be found at <http://www.nehatraining.org/>.

Colorado State University Extension will post additional cottage food materials on the Colorado Farm to Market website at: <http://cofarmtomarket.com/>.